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WORLD INTELLECTUAL  
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**WIPO NATIONAL SEMINAR ON COPYRIGHT,  
RELATED RIGHTS, AND COLLECTIVE MANAGEMENT**

organized by  
the World Intellectual Property Organization (WIPO)

in cooperation with  
the Ministry of Culture

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INTERNATIONAL LEGAL FRAMEWORK:  
COPYRIGHT AND RELATED RIGHTS

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## Copyright in the Sudan

- The Copyright and Neighbouring Rights Protection Act, of 1996
- Sudan is party to the Berne Convention for the Protection of Literary and Artistic Works, since December 28, 2000.
- Art. 4.2 contains provisions on the protection of protection of foreign works.

## Intellectual property

- **Copyright** (the protection of authors)
- **Neighbouring/related rights** (the protection of performing artists, phonogram producers, and broadcasting organisations).

## The mechanism of copyright law

- Copyright law grants, without formalities, writers, composers, painters and other creators of works of the mind exclusive rights to authorise or prohibit certain uses made of their works. Rights are economic and moral and are limited in time (normally 50 years p.m.a.). Violation of the rights entail normally penal and/or civil sanctions.

## Rationale for copyright law

- Stimulus for creativity and thereby promoting social, economic and cultural development
- Serves at encouraging and protecting investments in the cultural etc. sectors
- Protects the moral rights of the author in his work.

## Economic importance of copyright industries

- Example: the European Union:
  - the gross value added to the economy represented in 2002 more than 5,3 % of the total Gross National Product
  - copyright industries contributed 3,1 % of the total employment in the EU

## Evolution of copyright law

- The Continental European approach (human-rights-oriented, "authors rights" with strong moral rights)
- The Anglo-American approach (more commercially oriented "copyright" system).

## Basic features of copyright law

- The concept of a "work"
- "Original" and derivative works
- Criterion for protection: Originality
- Protection applies to the Expression/Individual form
- No formalities allowed for protection
- Fixation of the work

## Basic features ....

- The beneficiary of copyright protection:
  - First owner: the individual author
  - "Works made for hire"

## Basic features...

- Rights under copyright law:
  - Economic rights
  - Moral rights

## Basic features...

- Economic rights:
  - Right of reproduction
  - Right of communication to the public
  - Right to make translations, adaptations etc.

## Basic features...

- Moral rights:
  - Right of paternity (to be mentioned in connection with the work)
  - Right of respect (to object to derogatory actions in relation to the work).

## Basic features....

- Limitations:
  - Apply to economic rights.
  - To satisfy certain central public or private interests of being able to use a work freely
  - Fair use/fair dealing or specific limitations in the statute.
  - Free uses or compulsory or statutory licenses.

## Basic features...

- Transfer of copyright:
  - assignment, or
  - licenses
- Normally, moral rights are not transferable.

## Basic features...

- Enforcement.
- Infringement of rights entail
  - penal sanctions (fines or imprisonment)
  - civil sanctions (damages, interlocutory measures, seizure of infringing copies etc).



## Basic features...

- Copyright is governed by national laws
- By means of international conventions, protection is given to authors from other countries according to principles of
  - national treatment
  - minimum rights.

## Specific features of neighbouring/related rights

- Beneficiaries:
  - performing artists (sound and audiovisual)
  - producers of sound recordings (phonograms)
  - broadcasting organizations (sound radio and TV).

## Specific features NR..

- NR protected under national law.
- By means of international conventions protection given to performers from other countries on the basis of
  - national treatment
  - minimum rights

## Main International Treaties Copyright

- The Berne Convention for the Protection of Literary and Artistic Works (1886/1971)
- the TRIPS Agreement (1994)
- the WIPO Copyright Treaty (WCT) (1996).

## Main International Treaties. Related Rights

- the Rome Convention
- the Phonograms Convention
- the Satellites (Brussels) Convention
- the TRIPS Agreement
- the WIPO Performances and Phonograms Treaty (WPPT).

## Berne Convention

- Basic principles
  - National Treatment
  - Automatic protection (no formalities)
  - Protection independent from protection in other countries
  - minimum rights

## Berne Convention

- Protected subject matter:
  - Literary and artistic works
  - No need for fixation.

## Berne Convention

- Rights to be granted:
  - Economic rights
  - Moral rights

## Berne Convention

- Economic rights:
  - Right of reproduction
  - Right to make the work available to the public (for instance, public performance)
  - Right to make translation, adaptations etc.

## Berne Convention

- Moral Rights:
  - *Paternity right* (right to be named in connection with the work)
  - *Right to integrity* (to object to distortion, mutilation of the work, etc.)

## Berne Convention

- Limitations on economic rights: certain such limitations are admitted in national laws
- Duration of protection: Life-time of author + 50 years from year of death.

## Berne Convention

- Administration:
  - Administered by WIPO in Geneva
  - Around 150 states party to the Convention

## WIPO Copyright Treaty (WCT)

- Adopted in 1996
- Intended to ensure copyright protection in the digital environment
  - Right to control making available of works when public can access them from a place and at a time freely chosen.
  - Legal protection for technical protection measures (e.g. encryption).

## Related Rights Conventions

- Based on the same principles as the Berne Convention.
- Less number of parties

## Related Rights Conventions

- Rome Convention:
- Principles of national treatment and minimum protection apply.
- Performers: right to prevent communication to public of live performance, recording of the performance, reproduction of recording.

## Related Rights Conventions

- Rome Convention:
- Phonogram producers: right to authorise or prohibit direct or indirect reproduction of phonograms.



## Related Rights Conventions

- Sound radio and TV broadcasters:
- right to authorise or prohibit rebroadcasting of broadcasts, recording of broadcasts, reproduction of such recordings.

## Related Rights Conventions

- Limitations: same principles as in the Berne Convention
- Term of protection: 20 years
- Rome Convention: Around 70 members.

## Related Rights Conventions

- Satellites Convention:
- Member states undertake to take measures to prevent the distribution on or to their territories of satellite signals.
- Around 25 members

## Related Rights Conventions

- Phonograms Convention:
- Right to authorise or prohibit any reproduction of phonograms, for at least 20 years.
- Has around 70 members

## WIPO Performances and Phonograms Treaty (WPPT)

- Adopted in 1996.
- Applies to sound performers (not audiovisual performers)
- Same rights as in the WCT.

## Related Rights Conventions

- Phonograms Convention:
- Right to authorise or prohibit any reproduction of phonograms, for at least 20 years.
- Has around 70 members